



501-1
COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

Tentative Notice of Action

Promoting the wise use of land
Helping build great communities

MEETING DATE January 21, 2005 LOCAL EFFECTIVE DATE February 4, 2005 APPROX FINAL EFFECTIVE DATE February 25, 2004	CONTACT/PHONE Ryan Hostetter 788-2351	APPLICANT Javier Vargas	FILE NO. DRC2004-00038
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SUBJECT
Request by Javier Vargas for a Minor Use Permit/Coastal Development Permit to add approximately 1,944 square feet of gross structural area, and add approximately 1,060 square feet of footprint to the existing 1,408 square foot single family residence. The house will be approximately 3,352 square feet (gross structural area) after completion. The project is located at 2838 Wallace in the Community of Cambria, in the North Coast Planning Area.

RECOMMENDED ACTION
Approve Minor Use Permit / Coastal Development Permit DRC2004-00038 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.

ENVIRONMENTAL DETERMINATION
A Class 3 Categorical Exemption pursuant to CEQA guidelines section 15303 was issued on December 28, 2004 (ED04-288).

LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Local Coastal Program, Terrestrial Habitat, Sensitive Resource Area	ASSESSOR PARCEL NUMBER 023-371-010	SUPERVISOR DISTRICT(S) 2
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PLANNING AREA STANDARDS:
Setbacks, Height, Footprint and Gross Structural Area Limitations
Does the project meet applicable Planning Area Standards: Yes - see discussion

LAND USE ORDINANCE STANDARDS:
Local coastal Program, Terrestrial Habitat and Sensitive Resource Area
Does the project conform to the Land Use Ordinance Standards: Yes - see discussion

FINAL ACTION
This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14 calendar day local appeal period after the administrative hearing.

The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.

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EXISTING USES: Site currently has a residential single family home.	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single Family/residential <i>East:</i> Residential Single Family/residential <i>South:</i> Residential Single Family/residential <i>West:</i> Residential Single Family/residential	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: North Coast Advisory Council, Public Works, Cambria Community Services District, and the California Coastal Commission	
TOPOGRAPHY: Site is level to gently sloping	VEGETATION: Ornamental Vegetation & Pines
PROPOSED SERVICES: Water supply: CCSD Sewage Disposal: CCSD Fire Protection: Cambria Fire Department	ACCEPTANCE DATE: September 24, 2004

DISCUSSION

PLANNING AREA STANDARDS:

Lot Size: 10,300 square feet

Triple, Forested

Oversized lot adjustment: 1.96

Slope: approx 2 percent

Number of trees to be removed: 0

Base: 1,200 sq ft footprint, 2,400 sq ft GSA

PROJECT REVIEW	ALLOWABLE	EXISTING	PROPOSED	STATUS
FOOTPRINT (SQUARE FEET)	2,352	1,408	2,468	OK with 116 TDC's
GSA (SQUARE FEET)	4,704	1,408	3,352	OK
DECKS (SQUARE FEET)				
PERVIOUS	705.6	528	528	OK
IMPERVIOUS	235.2	0	0	OK
HEIGHT (FEET)	28'	approx 18'	25' 3 1/4"	OK
SETBACKS (FEET)				
FRONT	10' or 15' (front and rear to total 25')	approx 30'	26'	OK
REAR	10' or 15' (front and rear to total 25')	approx 12'	approx 12	OK
SIDE	5'	5'	5'	OK
STREET SIDE	N/A	N/A	N/A	N/A

LAND USE ORDINANCE STANDARDS:

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

COASTAL PLAN POLICIES: This project is in compliance with the Coastal Plan Policies, the most relevant policies are discussed below.

Public Works:

Policy 1: Availability of Service Capacity applies to the project. A will serve letter from Cambria Community Services District dated August 30, 2004 was submitted which shows impact fees for an addition to the existing single family residence.

Coastal Watersheds:

Policy 7: Siting of new development: The proposed project is consistent with this policy because the new residence will be located on an existing lot of record in the Residential Single Family category on a slope less than 20 percent.

Policy 8: Timing of new construction: The proposed project is consistent with this policy because the project is required to have an erosion and sedimentation control plan and all sedimentation and erosion control measures will be in place before the start of the rainy season.

Policy 10: Drainage Provisions: The proposed project is consistent with this policy because the project is required to have a drainage plan that shows the construction of the new residence will not increase erosion or runoff.

Hazards:

Policy 1: New Development: The proposed project is consistent with this policy because it is located and designed to minimize risks to human life and property.

Policy 2: Erosion and Geologic Stability: The proposed project is consistent with this policy because it is designed to ensure structural stability while not creating or contributing to erosion of geological instability.

Environmentally Sensitive Habitats:

Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats: The proposed project is consistent with this policy because it will not significantly disrupt the habitat and tree removal and site disturbance have been minimized. If trees are removed, Monterey Pine trees will be replaced on a two-to-one basis and Coast Live Oak trees will be replaced on a four-to-one basis.

Policy 2: Permit Requirement: The proposed project is consistent with this policy because there will be no significant impact on sensitive habitats and proposed development will be consistent with the biological continuance of the habitat.

Policy 3: Habitat Restoration: The proposed project is consistent with this policy because if removed, Monterey Pine trees will be replaced on a two-to-one basis and Coast Live Oak trees will be replaced on a four-to-one basis.

Policy 27: Protection of Terrestrial Habitats: The proposed project is consistent with this policy because not allowing a single family residence or residential accessory uses (principally permitted uses in the Residential Single Family land use category) could potentially constitute a taking under the 5th Amendment of the US Constitution. Therefore, allowing a single family residence or residential accessory use to be developed on the property is considered to be a reasonable use of the land (pursuant to Section 30010 of the Coastal Act).

Policy 28: Protection of Native Vegetation: The proposed project is consistent with this policy because tree removal and site disturbance have been minimized. If trees are removed, Monterey Pine trees will be replaced on a two-to-one basis and Coast Live Oak trees will be replaced on a four-to-one basis.

Policy 33: Protection of Vegetation: The proposed project is consistent with this policy because tree removal and site disturbance have been minimized through project design.

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

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Hearing Officer
Minor Use Permit # DRC2004-00038/Vargas
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COMMUNITY ADVISORY GROUP COMMENTS: The NCAC Land Use Committee discussed the subject project in their September meeting and had no comments.

AGENCY REVIEW:

Public Works- Recommend Approval, need drainage plan, new driveway will require an encroachment, should be a max 20 ft. wide and the concrete should stop at the property line with asphalt connection to Co. Road.

Cambria Fire - No Comment as of 12/27/04.

Cambria Community Services District - See will serve letter in file dated August 30, 2004 showing impact fees being paid for additional fixtures..

Staff report prepared by Ryan Hostetter and reviewed by Matt Janssen

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EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class 3) pursuant to CEQA Guidelines Section 15303 because the project is a minor addition to an existing single family residence.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on a road constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

Terrestrial Habitat

- H. The project or use will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because tree removal has been minimized and if trees are removed, they will be replaced on a two-to-one basis.
- I. Natural features and topography have been considered in the design and siting of all proposed physical improvements, because the proposed structure has been designed to minimize tree removal and site disturbance.
- J. Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because tree removal and site disturbance have been minimized and if trees are removed, they will be replaced on a two-to-one basis.
- K. The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion and sedimentation of streams through undue surface runoff, because, as conditioned, the project or use meets drainage and erosion control standards

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specified by the County Public Works Department.

- L. There will be no significant negative impact to the identified sensitive habitat and the project or use will be replaced on a two-to-one basis.
- M. The project or use will not significantly disrupt the habitat, because it is a single-family residence with minimal site disturbance.

TDC's

- N. Adequate instruments have been executed to assure that lot(s) to be retired will remain in permanent open space and that no development will occur because the applicant will provide verification that the retired lot(s) have been transferred to the Land Conservancy of San Luis Obispo County.
- O. The "receiver" site can accommodate the proposed scale and intensity of development without the need for a variance (Section 23.01.045), exception to height limitations (Section 23.04.124b) or modification to parking standards (Section 23.04.162h), because, as conditioned, the project or use meets Coastal Zone Land Use Ordinance and Land Use Element requirements.

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EXHIBIT B - CONDITIONS OF APPROVAL

Authorized Use

1. This approval authorizes the construction of an addition of approximately 1,944 square feet of gross structural area, and add approximately 1,060 square feet of footprint to the existing 1,408 square foot single family residence. The house will be approximately 3,352 square feet (gross structural area) after completion.
2. All permits shall be consistent with the approved Site Plan, Floor Plans, and Elevations.

Height Verification

3. **Prior to any site disturbance**, a licensed surveyor shall establish average natural grade (high and corners staked) and set a reference (benchmark) point. Maximum height is **28 feet** as measured from average natural grade.
4. **Prior to framing inspection**, the applicant shall provide written verification to the building inspector certifying the building height, including the actual and allowable building heights. The certification shall be done by a licensed surveyor.

Grading, Drainage, Sedimentation and Erosion Control

5. **Prior to issuance of construction permits**, if grading is to occur between October 15 to April 15, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.
6. **Prior to issuance of construction permits**, the applicant shall submit a drainage plan for review and approval by the County Public Works Department.

Fire Safety

7. **Prior to issuance of a construction permit**, the applicant shall provide the County Department of Planning and Building with a fire safety plan approved by the Cambria Fire Department.
8. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from Cambria Fire Department of all required fire/life safety measures.

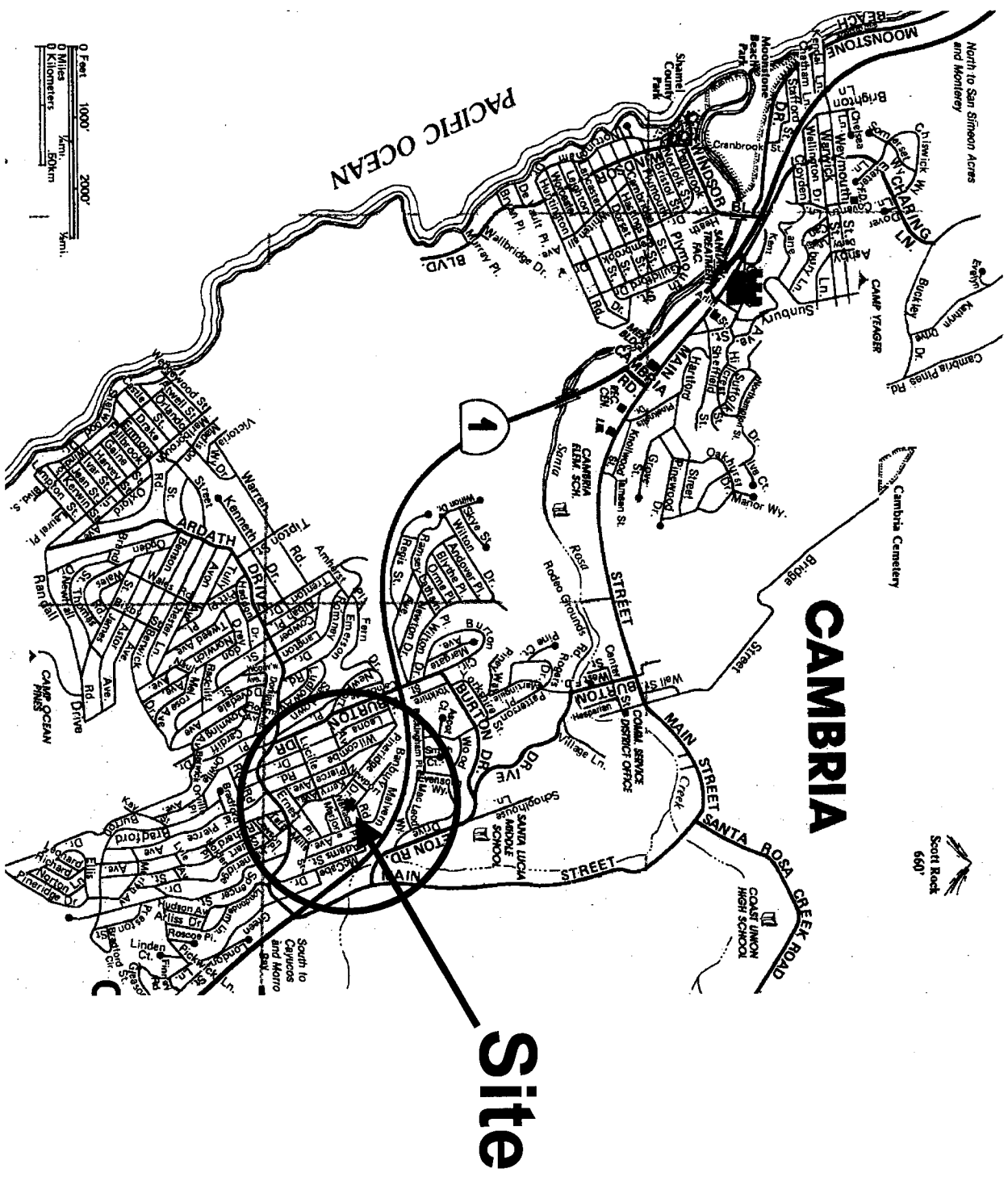
Transfer of Development Credits

9. **Prior to issuance of construction permits**, provide written verification from the Land Conservancy of San Luis Obispo County that **116** square feet of building footprint has been transferred from a parcel within a special project area to the subject property.

Miscellaneous

10. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
11. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
12. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050. This permit is generally considered to be vested once a building permit has been issued and substantial site work has been completed. Substantial site work is defined (Section 23.02.042) as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade ('sticks in the air').

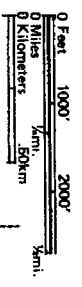
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Scott Ranch
660'

CAMBRIA

Site



PROJECT

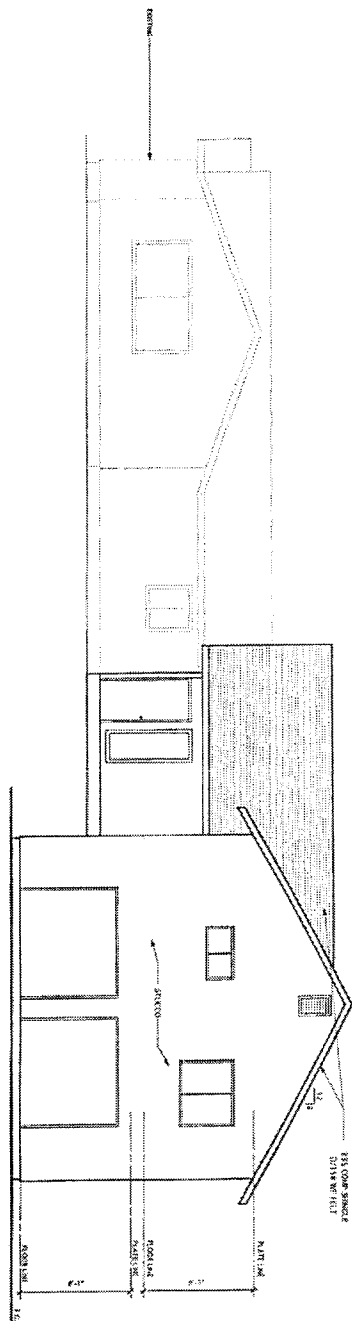
Minor Use Permit
Vargas / DRC2004-00038



EXHIBIT

Vicinity Map

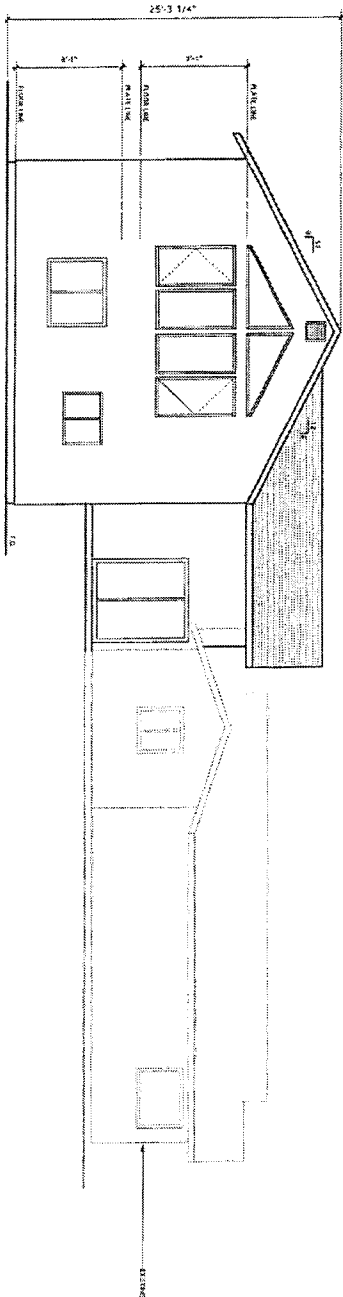
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FRONT ELEVATION

SCALE: 1/4" = 1'-0"

ATTN: OWNER
FOR THE
OWNER'S
REVIEW
AND
APPROVAL
OF THE
DESIGN
AND
CONSTRUCTION
DOCUMENTS
FOR THE
PROJECT
AND
FOR THE
RECORD



REAR ELEVATION

SCALE: 1/4" = 1'-0"

ELEVATIONS

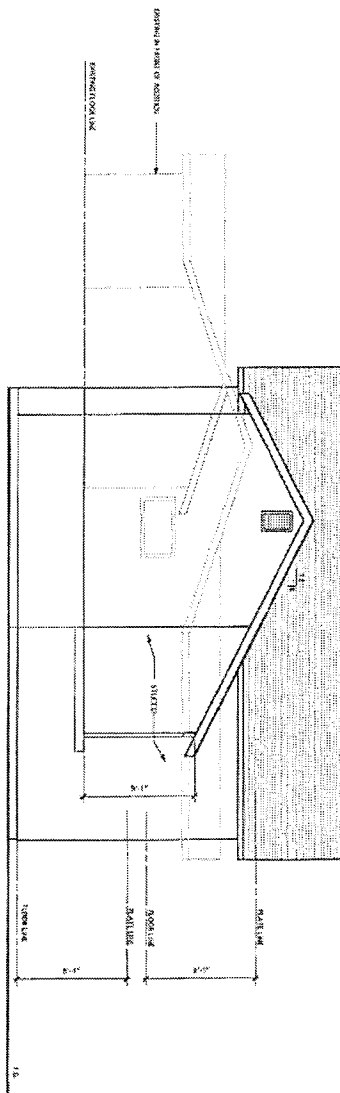
PROJECT

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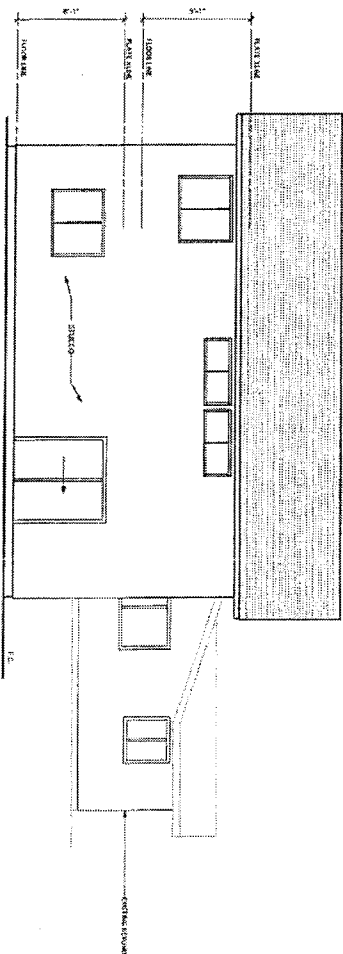
EXHIBIT

Front/Rear Elevations



LEFT ELEVATION

SLAKE : 3490100



RIGHT ELEVATION

SCALE : 1/4" = 1' - 0"

ELEVATIONS

PROJECT

Minor Use Permit
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EXHIBIT

Left/Right Elevations

[illegible]

2ND FLOOR PLAN

PROJECT

Minor Use Permit
Vargas / DRC2004-00038



EXHIBIT

2nd Floor Plan



HOLD DOWN KEY

NOTE:
ALL CALLS TO BE AT 1000H SGT.

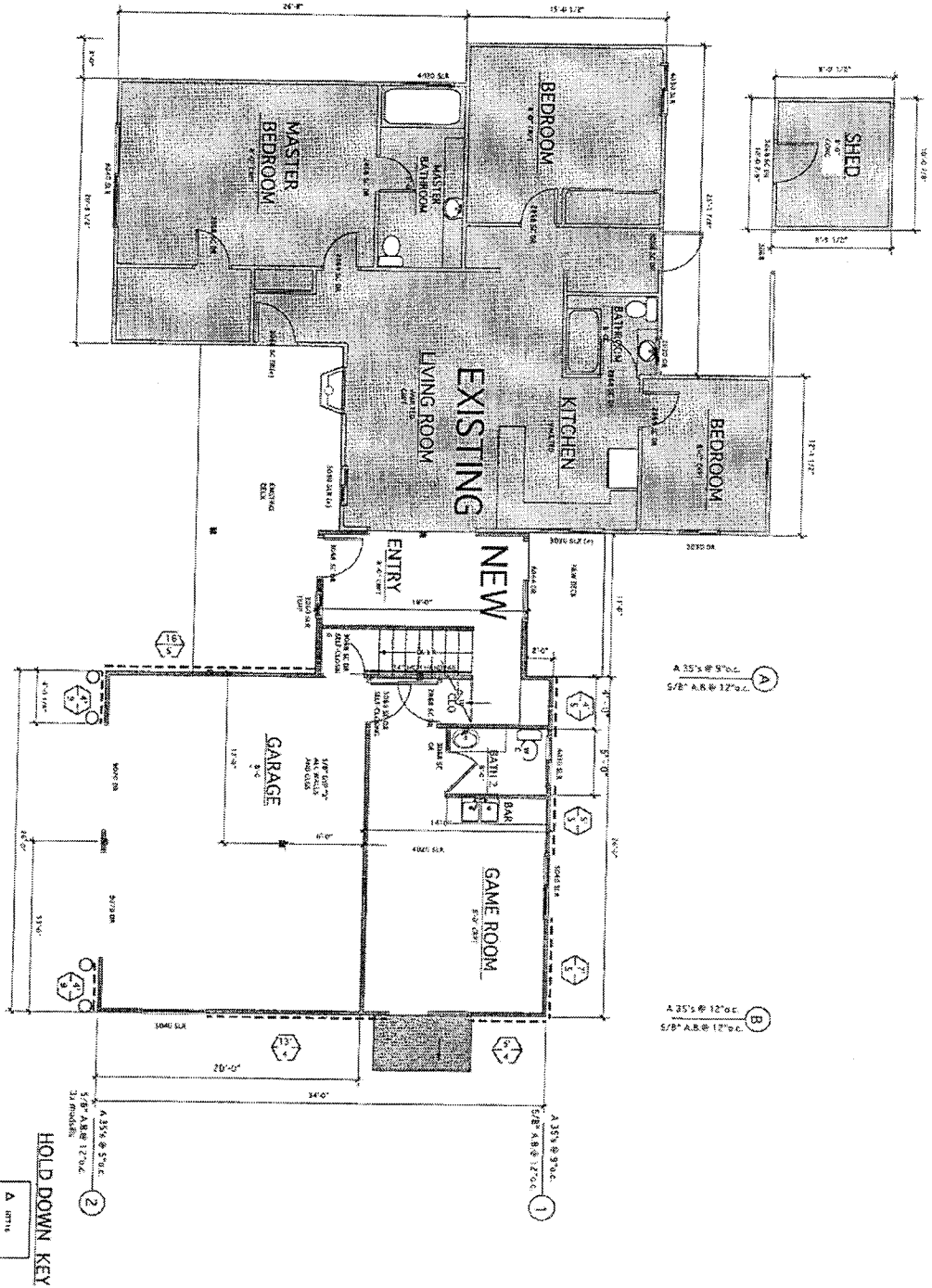
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PROJECT

Minor Use Permit
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EXHIBIT

Floor Plan



FLOOR PLAN



Minor Use Permit
Vargas / DRC2004-00038



Land Use Category Map-RSF

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PROJECT

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EXHIBIT

Site Plan



SITE PLAN
SCALE: 1"=10'

